

MINUTES OF THE REGULAR MEETING
OF THE PLANNING COMMISSION
November 27, 1979
7:00 p.m.

Members in attendance

Tom Foeller, President
Bob Gudgel
Bob Kennedy
Louie Monetti

Also Present:

Cy Nims, Planning Director
Jon Stein, Ass't. Planner
Janet Call, Secretary

Excused:

Jim Lotz
Tom Bond

1. CALL TO ORDER

The meeting was called to order at 7:03 p.m. by Tom Foeller, President. The pledge of allegiance was recited.

2. CONSENT AGENDA

- 2.1 Approval of Minutes: October 23, 1979
- 2.2 Annual Report
- 2.3 Temporary permits for mobile homes
- 2.4 Change of date for December Meeting

IT WAS MOVED by Gudgel, SECONDED by Monetti, to remove Temporary permits for mobile homes from the Consent Agenda for discussion under Other Business, and to approve the other three items on the Consent Agenda. MOTION CARRIED unanimously by those present.

3. AUDIENCE PARTICIPATION

There was no audience participation.

4. PUBLIC HEARINGS

- 4.1 VR-79-19 Gary & Deborah Heim, applicants. George & Nancy Dritsas, property owners. Request to allow 12 ft. of public street frontage rather than required 35 ft. for property to be partitioned into 3 flag lots in R-7 Single Family Residential zone at 12203 SE 33rd Place; in conjunction with request to convert existing single family residence into duplex on same site.
- 4.2 M-79-34
- 4.2 C-79-13

The public hearing was opened at 7:08 pm. Notices were sent as prescribed in the Zoning Ordinance to all residents and property owners within 250 ft. of the site. Jon Stein gave staff report, recommending approval with 9 conditions. It was decided to consider the Conditional Use application at the same time; at 7:17 pm Jon Stein presented the staff report for the Conditional Use, recommending approval with the two conditions in the staff report and an additional: "Provide a parking layout similar to what is shown in Exhibit A." A memorandum from the Public Works Director was presented to the Commission, in which he described the level of services necessary for development of this parcel; the memo indicated the Public Works Director's reluctance to approve this application until roadway

Improvements are made to the substandard access roadway.

Speaking in favor: Gary Heim, 12206 SE Nixon, Milwaukie (applicant)

Mr. Heim submitted letters from two property owners in the surrounding neighborhood who support the minor partition and conditional use. He indicated he is willing to provide access to Kellogg Creek, and is amenable to whatever conditions the Commission should apply to development of the parcel which would be remaining vacant as a result of the minor land partition.

There were no other persons speaking in favor of the application.

Speaking: Elton Jager, 12350 SE 31st.

Mr. Jager indicated he was not against the application per se, but wanted to see it developed in the proper manner. He thought it could be developed better with a dedicated roadway.

Jon Stein summarized the Fire Department and Public Works memos regarding these applications.

Speaking against: Howard Murphy, owner of 12101 SE 33rd

Mr. Murphy does not want the street widened, as he thinks it is adequate for its present use, and does not want to see any further development.

Rebuttal: Gary Heim

Mr. Heim reiterated that the condition of this property is presently substandard; he is attempting to upgrade the property. He would like to have a wider road but at this point it seems impossible--thus his reason for submitting his applications.

The public hearing closed at 7:45 p.m.

After considerable discussion, it was the feeling of the Commission that more time was needed to explore alternatives and interpret the Public Works and Fire departments' input. IT WAS MOVED by Gudge1 to deny these applications. MOTION FAILED for lack of second. IT WAS MOVED by Monetti, SECONDED by Kennedy, to continue these applications to explore alternatives and get more concise input from the Public Works and Fire Departments; the applicant's proposal is not acceptable--a much more optimum development exists and the access problems must be solved. Staff is to study the area and provide an update at the next meeting. MOTION CARRIED with Monetti, Foeller, and Kennedy voting in favor and Gudge1 voting against.

4.3 C-79-14 Clackamas Child Day Care Center, applicant. Michael Goss, property owner. Request to allow licensed preschool day care center in R-7 Single Family Residential zone at 3808 SE Roswell.

The public hearing was opened at 7:58 p.m. Notices were properly mailed to property owners and residents within 250 ft. of the subject property. Jon Stein gave the staff report, recommending approval with 5 conditions.

Speaking: Leilani Fennel, Program Administrator, Clackamas Child Day Care

Ms. Fennel indicated that the center would be licensed for 40 children but would probably have 30 as an average daily attendance figure.

In favor: Tim Holder, 5791 SE Harlene, Milwaukie

Mr. Holder is in favor of the concept. He felt the location had a few potential problems, but they could be resolved.

It was indicated by the applicant that no additional outdoor lighting was anticipated. The operating business hours would be from 7 am to 6 pm, Monday through Friday, 254 days a year. The public hearing was closed at 8:16 p.m.

IT WAS MOVED by Monetti, SECONDED by Gudgel, to approve C-79-14 based on staff recommendation, with conditions as follows: 1) Street, site utility, drainage and details for fire protection to be approved by Public Works and Fire Departments. 2) Submit documents verifying availability of parking at the Jaycees Dogwood Lodge. 3) Provide a 6 ft. high fence around the outdoor activity area. 4) Planning Commission shall reserve the right to review C-79-14 in the event there are complaints that cannot be resolved by staff. MOTION CARRIED unanimously by those present.

4.4 VR-79-22 Dennis Higley, applicant. Request to partition property in R-7 Single Family Residential zone at 2739 SE Olsen into 2 lots, each less than required 7,000 sq. ft.: flag lot with 6,658 sq. ft. and 6,642 sq. ft. lot with frontage on Olsen, 54 ft. rather than required 60 ft. lot width.

The public hearing was opened at 8:24 p.m. Notices were properly sent to property owners and residents within 250 ft. of the subject property. Jon Stein presented the staff report, recommending approval with conditions.

Speaking: Dennis Higley

Mr. Higley indicated that the existing house will be torn down and the site improved and upgraded.

Speaking against: Stan Nelson, 2723 SE Olsen
Ed Johnson, Oregon City

Mr. Nelson rents the house directly to the west, owned by Mr. Johnson. They both expressed concerns about traffic increase, added noise, inadequate drainage, and safety.

Rebuttal: Dennis Higley

The public hearing was closed at 8:51 p.m. The Commission discussed the possibility of moving the flag lot driveway to the east side of the property; the applicant felt this would not be advantageous for the drainage. It was noted that the house on the flag lot would be no closer than 50 ft. to the nearest house. It was felt that there would not be appreciable noise increase with a paved driveway to the flag lot. IT WAS MOVED by Kennedy, SECONDED by Monetti, to approve VR-79-22 and M-79-35 as recommended by staff with layout as shown in the staff report, with the following conditions: 1) Drainage, site utilities, easements and procedures for fire protection to be approved by Public Works and Fire Departments. 2) Submit site plan showing driveway and turnaround owned and maintained by Parcel 2. 3) Submit site plan showing driveway with 15 ft. wide pavement. MOTION CARRIED unanimously by those present.

5. CONSIDERATION

- 5.1 VR-79-20 Robert Hobbs, applicant. Request to construct garage with side yard of 18 ft. rather than required 20 ft. and rear yard of 10 ft. rather than required 20 ft. in R-7 zone at 4990 S.E. Leone Lane.

Jon Stein presented staff report, recommending approval with conditions.

Speaking: Robert Hobbs, applicant

Mr. Hobbs explained that he had originally wanted a double garage but thought the Planning Commission would not be receptive to such a large variance request. He indicated the garage would be about 11 ft. high. After discussion by the Planning Commission on the variance criteria, IT WAS MOVED by Monetti, SECONDED by Gudgel, to approve VR-79-20 as per staff report. MOTION WAS AMENDED by Monetti, SECONDED by Gudgel, to approve VR-79-20 to allow a side yard of 18 ft. on 50th Avenue rather than the required 20 ft. on a corner lot and to allow a rear yard no less than 5 ft. rather than required 20 ft. with the following conditions: 1) Site drainage, utilities and procedures for fire protection to be approved by Public Works and Fire Departments. 2) Realign the proposed driveway to improve ingress and egress to 50th Avenue. The reasons for this decision were based on the unusual nature and shape of the lot (side and rear yards being interpreted differently) and because it generally meets the criteria for granting a variance. MOTION CARRIED unanimously by those present.

- 5.2 VR-79-21 Marc Dunham, applicant. Request to construct a garage 4'-6" from side property line rather than required 10 ft. in R-7 Single Family Residential zone at 3253 SE Rockwood.

Jon Stein presented staff report, recommending approval of an alternative with conditions. A property owner to the east submitted a letter indicating no objections to this proposal. After discussion, IT WAS MOVED by Gudgel, SECONDED by Monetti, to allow the construction of a garage no less than 5 ft. from the east property line with the following conditions: 1) Drainage, site utilities and procedures for fire protection to be approved by Public Works and Fire Departments. 2) Driveway shall be paved and drained to specifications of Public Works Department. 3) The 5 ft. setback on the east property line shall remain open and unobstructed. It was felt that the criteria for granting a variance were generally met. MOTION CARRIED unanimously by those present.

6. OLD BUSINESS

- 6.1 VR-79-17 A. H. Douthit, applicant. Request to construct a duplex in A-3 zone on lot abutting public street for 10 ft. rather than required 35 ft. with access driveway 18 ft. wide rather than required 24 ft. and use of an 8 ft. easement on west side of 10 ft. wide driveway on Tax Lot 6700, south of Willard St., east of existing duplex.

Jon Stein presented staff report recommending approval of resubmittal by applicant with two conditions. Gudgel announced he would have to abstain from voting as he lives in the neighborhood. After discussion, IT WAS MOVED by Kennedy, SECONDED by Monetti, to approve VR-79-17 as submitted this evening, showing a 2-story duplex, with the following conditions: 1) Site utilities, roadway improvements and drainage to be approved by Public Works Department. 2) Submit easement agreement that permits access on the 8 ft. easement to the proposed duplex.

and restricts parking of vehicles on the access driveway. MOTION CARRIED, with Monetti, Kennedy and Foeller voting in favor and Gudgel abstaining.

7. OTHER BUSINESS

7.1 Kings Kustom Cabinets. Mr. King was present at the meeting to request an extension on the approval of N-79-1 Expansion of a Nonconforming Use, which expired November 22, 1979. He indicated that parking in the street was not a problem caused by cars of his employees, but caused by private citizens in the community. He has no objections to putting in a parking lot on the residential property south of the cabinet shop; an unfavorable money market has prevented him from getting financing necessary to begin the construction. He mentioned that the Code Enforcement Officer had monitored the traffic situation at his business and had concluded that loading and unloading of vehicles was being conducted in a professional manner. He said that he presently has 27 employees and has enough parking on his premises for their parking. He wanted to make it clear that the request for a nonconforming use for the parking lot was a request of his, not the past city attorney's. He also said that this was a culmination of problems over the past 1½ years, not 8 years as was indicated by the city.

It was the consensus of the Planning Commission that additional information needed to be submitted to them, such as Police Department reports. This might affect their granting or not granting an extension of the original request. They felt it may be advantageous to have a meeting with Mr. King's attorney and the City Attorney, to make a settlement and answer back to the Commission, where there is a possibility of an extension. It was requested that the City Attorney submit a report addressing some of the points Mr. King made, to be discussed at the next regular Planning Commission meeting.

7.2 Freeman Condominium Conversion. Cy Nims presented for information purposes an update on the Freeman Planned Development of Acer Woods Estates. He noted that Freeman is changing the ownership from rental to condominium, which requires the filing of another plat. This however, is not a Planning Commission function--it was presented merely for information.

7.3 Temporary permit for mobile homes. The Planning Commission discussed a memo and draft policy submitted by Planning staff. Gudgel commented that he felt the City should extract a fee for temporary mobile homes to help defray the cost of the permit as well as utilities hookup. He also felt a provision should be included to require that the applicant actually live in the mobile home. After discussion, it was decided to consider it further at a work session. It was felt that temporary structures and temporary uses should be separate issues.

7.4 It was consensus that a work session should be held December 11, to discuss Kings Kustom Cabinets and the mobile home and temporary use issues.

7.5 Louie Monetti brought up the fact that construction companies, when laying utility lines, neglect to adequately patch the road, if done at all. He was specifically noting new construction sites on Monroe Street. It was noted that this type of situation was the result of lack of building department enforcement of construction cleanup. It was felt that it might be better for the city crews to patch these spots rather than rely on construction companies to do it.

The meeting was adjourned at 10:45 p.m.

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